

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, JULY 27, 2009**

ATTENDANCE: 1st Selectwoman Evonne Klein; Seth Morton; David Bayne;
Callie Sullivan; Linda Santarella

STAFF: Karl Kilduff, Administrative Officer

OTHERS: Bob Baker, Beautification Committee Member;
Megan, Darien News Review Reporter

CALL TO ORDER

1st Selectwoman Klein called the Regular Meeting to order at 8:12 p.m.

PUBLIC COMMENT

These comments are not to be considered verbatim.

Mr. Bob Baker, 14 Midland Lane, expressed his continued disappointment with the lack of any effective action by Town Hall on the enforcement of the ambiguous regulations on signs. He said he was also speaking on behalf of the Beautification Commission, on which he serves. He felt the most effective way to gain compliance with the regulations is to establish a climate in town in which everyone knows what the rules are, and recognize their obligation to abide by those regulations. With regard to the realtors' signs, he said he would recommend very strongly that the Board of Selectmen send a letter, by name, to the Manager of the 4 or 5 realtor offices in town asking them to do what they are required to do. He also suggested that the Board of Selectmen send a copy of the letter to the newspapers.

1st Selectwoman Klein asked Mr. Baker if he had gone to Planning & Zoning about this. She said this is a Planning & Zoning issue, and she offered to forward his request to the Planning & Zoning Commission.

Mr. Baker said he remembers going through this several years ago, and he felt they were just playing baseball again. 1st Selectwoman Klein said that it's about roles and responsibilities. She said if the Board was in agreement, they would forward his request to P&Z. Mr. Baker asked if there was a policy initiative on this question. 1st Selectwoman Klein responded, saying that they are governed by regulations. A land-use regulation is within the purview of P&Z.

Mr. Baker said that he will talk to P&Z, that there have been too many conversations on this topic, and the situation appears to be getting worse. There is now a huge 30 sq. ft. sign in front of the railroad station.

Ms. Santarella asked Mr. Baker if he had gone before the Board of Realtors. Mr. Baker said that he had written a letter to the President of the Board of Realtors, asking him what gain there was in having the signs out. And Mr. Baker asked him how many houses were sold in town without signs. Ms. Santarella suggested that Mr. Baker ask the Board of Realtors to be put on their agenda.

Mr. Baker said he thought he would just go to the top, to the people in charge, to get it resolved and have the regulations enforced.

It was agreed that the Board of Selectmen would be in support of forwarding the letter to P&Z, and they felt that Mr. Baker was diligent in his role as a member of the Beautification Committee to get this situation resolved.

1st Selectwoman Klein thanked Mr. Baker for all his hard work.

NEW BUSINESS

a) Discuss and Take Action on Referral of Accessory Apartment Regulations to Planning & Zoning Commission

1st Selectwoman Klein said that this was reviewed previously, and it is on the agenda for a vote. She asked if all the changes suggested last week were satisfactory.

Mr. Bayne said that everything appeared fine, but he did have a question on the length of the deed restriction as to whether it should be 10 years or longer. It was decided that they would pass along the written regulations to P&Z for their consideration.

1st Selectwoman Klein said she knew of some concern on the part of the Commission Chairman that he was unaware that the Board of Selectmen was reviewing and considering accessory apartment regulations. She said that this had been discussed, it has been on agendas and in the DAHAC final report and in the Affordable Housing Plan, and the State Rep had proposed an amendment to 8-30G that had to do with accessory apartments.

It was recommended that it be specified in the draft that DHA keep track of the affordable housing units. It was clarified that it included in the draft that there are an additional three parking spaces. Public hearings will be held on this. The document the Board of Selectmen is sending to the Planning & Zoning Commission for their consideration may not appear the same.

Ms. Sullivan said that Ms. Sangrey and Mr. Ginsberg did a great job, and the plan dovetails nicely with a housing plan.

**** MR. MORTON MOVED TO APPROVE THE REFERRAL OF THE ACCESSORY APARTMENTS REGULATIONS TO THE PLANNING & ZONING COMMISSION.**

**** MS. SANTARELLA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- b) Discuss and Take Action on Recommendation from CHALAC on Use of Special Permit Under Zoning Regulations for 35 Leroy Avenue

Mr. Dick Didonna, Mr. Norm Guimond, Ms. Mary Lou Cleary, and Ms. Carolyn Murray were present. Mr. Didonna said that they had met on this at the directive of the Board of Selectmen to consider the original recommendation in light of Section 514 and other issues, to take up with the developer and the MHA.

Mr. Kilduff read the final motion:

Reconfirmation of the original recommendation forwarded to the Board of Selectmen. He said the vote passed 5-1, for the original proposal of 21 units. There was one member, Ms. Bora, who dissented.

1st Selectwoman Klein then read the following into the record from Mr. John Marr's email of 7/19/09:

1. The new plan calls for 8 2BR and 19 1BR units. This increases the number of 1BR units from 9 to 19. I believe that the high number of 1BR units will add to the turnover of the property as residents outgrow their space. I also believe that 1BR units are more difficult to sell and this will affect the marketability of the project.
2. The new plan calls for moving Building 3 closer to Leroy Avenue and closer to Middlesex Commons. Our committee specifically requested that this building be moved farther from Leroy Avenue in order to maintain the character of the site and lessen the institutional appearance of the project.
3. The neighbors on Old Stone Road and Middlesex Commons have stated that they do not want to increase the density above 21 units. As "abutters" the neighbors will have standing should this issue go to court. The Planning and Zoning Commission has indicated that the concerns of the neighbors will be taken in consideration in reviewing a 514 special permit application.
4. The number of parking spaces will increase from 42 spaces in the present plan to 54 spaces. The current plan calls for converting some of the existing parking area into green space. We would lose this attractive feature if density is increased.

5. While it can be argued that the Town may receive slightly more tax revenue and housing points with higher density, I believe the additional delay and disadvantages listed above would offset this.

Some discussion continued regarding the issues involved with the regulations.

1st Selectwoman Klein said that there are several things to consider, mainly that they maintain controlled growth for the town. She said that it was inferred in the policy that there is local need, and it addressed the character of the community. They have to work toward achieving the moratorium to gain local control of the community.

The Board of Selectmen was pleased with the efforts of everyone involved, and they appreciated the time and energy put in to this. It was noted that the efforts made included working with the neighbors, working with and reflecting on aspects of Section 514, and having CHALAC stay focused on the neighborhood's concerns, addressing EPC issues, and reconfirming their position.

**** MS. SULLIVAN MOVED TO ACCEPT THE RECOMMENDATIONS FROM CHALAC ON USE OF SPECIAL PERMIT UNDER ZONING REGULATIONS FOR 35 LEROY AVENUE.**

**** MR. MORTON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- c) Discuss and Take Action on Re-allocating Voucher Parking Spaces to Discounted Permit Spaces

Mr. Kilduff said that this relates to the ratio of permit spaces to daily voucher spaces in Darien as recorded through SWRPA. Also, there were earlier discussions during the budget season of introducing a discounted parking program in order to encourage greater utilization of some under-utilized spots. This would be the area at Noroton Heights near Post 53. It is a large parking lot with voucher parking, and it is currently underutilized, with about 24 regular parkers. The current parking regulation would have to be amended to allow for some sort of reduced pricing. An incentive parking area could be created to increase incentive for people to park farther away. If that is the direction they decided to go with, a revised schedule would have to be made. There are some policy considerations, mainly, what happens to the current voucher parkers that are there, do they reserve 12 spots for them, and then turn the rest of the lot into permit spaces, or do they turn the entire lot into permit spaces. There are 109 potential spaces at the Post 53 lot, and 80 were flagged, assuming that they are keeping the high end of the voucher spaces, and there were 6 spots that are currently being taken for storage by Metro-North Railroad. The far end of the Leroy West lot is similarly underutilized, with about 20 or 22 spaces. Mr. Kilduff said if they were going to go

forward with this, they would have to go through the public hearing process for regulatory change and come up with a different graphic for the permit, to clearly distinguish between a standard permit and a discounted permit. Also, they would need new signage outlining the new regulations.

1st Selectwoman Klein referred to SWRPA information. Mr. Bayne confirmed that there were two different concepts being discussed. One would be to convert a portion of the daily parking spaces to annual parking spaces; the second would be an incentivized zone to take people out of the high-density annual parking permits to spaces that are farther away. Mr. Kilduff said that the greatest location of underutilized spaces is farther away. There is a policy question of the intent being to increase the number of permit spaces; the question is do they reduce the price to reflect the distance, or do they increase all 315 spaces, and try and sell it that way and let people get to the spots on a first-come, first served basis.

Some discussion continued regarding the re-allocation of voucher parking spaces to discounted permit spaces.

It was agreed that the Board of Selectmen would not vote on this issue tonight. A public hearing is scheduled for Tuesday, September 8, 2009 at 8:00 p.m.

d) Discuss Town Facility Naming Policy

1st Selectwoman Klein said this was tabled from a previous meeting in July. It is called gift-related naming. She said that the Board of Education has a 49% policy; Darien's policy is 51%, but other communities have other percentages. Mr. Kilduff said that if people paid a certain amount, a portion of a building, or an entire building, could be named according to their wishes.

The Board of Selectmen continued their discussion regarding the town facility naming policy, with Ms. Sullivan saying she would be inclined to do gift-related naming vs. honorary naming. Mr. Bayne asked what would they do in the case of a medal of honor winner, and that he wouldn't want to exclude an honorary member of the community.

1st Selectwoman Klein thanked the Board of Selectmen for their input, and it was agreed that this would be put on the September meeting agenda.

1st SELECTWOMAN'S REPORT

1st Selectwoman Klein thanked Megan, from the Darien News Review, for her good work in following the meetings and reporting stories accurately by following up with emails. Megan is leaving the Darien News Review to return to school, and 1st Selectwoman Klein presented her with a Town of Darien pin.

1st Selectwoman Klein said that the Town of Darien 2007-2008 Annual Report, this year having the theme of Darien, Our Hometown, was now available. She thanked all the volunteers for their hard work, and Grace Hannify, in her office, who takes the lead on it.

1st Selectwoman Klein confirmed with Mr. Kilduff that copies of the annual report are available in Town Hall, they will be distributed to the libraries, and a pdf version will soon be available on the website.

1st Selectwoman Klein said that she met with Mr. Wally Pugh, Chairman of the Tree Commission, who is working hard on the ordinance review. She reported that the ordinances are taking shape nicely. She suggested a meeting with Mr. Bob Steeger, and she asked them to send her an update in September.

1st Selectwoman Klein said she sent emails to the Board of Selectmen regarding the DEP public hearing on Thursday, September 10 from 7:00 p.m. – 10:00 p.m. at Town Hall. She said that as of today, there was no intervener. There was a meeting in Hartford last week to set up a schedule. Mr. Kilduff said that no transfer is required. 1st Selectwoman Klein asked that the cost for the town to go through the process be noted for the record. Mr. Kilduff said that it is estimated at \$15,000-\$25,000 for professional services to go through the DEP process. The attorney representation is estimated at \$25,000, for a maximum expenditure of approximately \$50,000.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff said they will be closing out the grant for the Senior Center over the next three weeks. The program is called the Healthy Lunch & Learn Series. The grant adds to the normal menu budget to increase the offerings and raise the level of what they put forward for 6 lunches. There will be speakers on healthy topics during the lunch period. The goal is to empower seniors to understand the benefits of healthy eating. The series starts on July 29th and 30th, and continues on August 5th, 6th, and August 12th and 13th. He noted that Mr. Tom Murto, the Senior Center cook, has worked hard at bringing this change around, to increase the nutritional value.

Mr. Kilduff said that they will have a financial model for the solar installation for Town Hall around August 4, 2009, and he will report back to the Board of Selectmen at their August 24, 2009 meeting.

Mr. Kilduff said that he will have the administrative pay plan at the August 3, 2009 meeting.

Mr. Kilduff responded to Ms. Santarella's question, saying that the Eagle Scouts had started painting the Senior Center this week, and the Town crews had done work on some other rooms.

AGENDA REVIEW

1st Selectwoman Klein said the next meetings of the Board of Selectmen will be on Monday, August 3, 2009, and Monday, August 24, 2009.

1st Selectwoman Klein said she had invited the Chairman of the Public Works Committee to the meeting this evening, and she received an email from him that he couldn't attend. She said she will continue to communicate with him to have him on the agenda in the future.

1st Selectwoman Klein confirmed with Mr. Kilduff that all the changes are included in the Affordable Housing packet. She wished to begin discussions on this at the August 3rd meeting, so they could finalize it at the end of August.

1st Selectwoman Klein said that she will be receiving an email from Chief Lovello regarding the expenditure of \$400,000, mentioned last week by Police Commission Chairman Johnson, for the communication console. This will be moved from the old Police Department building to the new building. Mr. Kilduff said that the vendor is no longer maintaining the service agreement on the unit. They will have to determine how to proceed on this, with the suggestion being made of considering a funding source.

1st Selectwoman Klein mentioned the redistricting of Probate Court. She confirmed that the Probate Judge in New Canaan did not wish to merge with Darien. She further confirmed that the Probate Court District will now consist of New Canaan, Darien, Westport, Weston, and Wilton, with the Probate Court being in Westport. She said that there is certain criteria to meet, that the population has to be 40,000 and there has to be 3,000 cases per year. The directive was received from the Governor to go from 117 to 50.

FORTHCOMING MEETINGS

1st Selectwoman Klein said there is a meeting of the Goodwives Watershed, with Malone & MacBroom, on Wednesday, July 29 at 7:30 p.m.

July 28, 2009	Planning & Zoning Public Hearing at 8:00 p.m.
August 3, 2009	Board of Selectmen Regular Meeting at 8:00 p.m.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of July 6, 2009

**** MS. SANTARELLA MOVED TO APPROVE THE JULY 6, 2009 REGULAR MEETING MINUTES AS CORRECTED.**

**** MR. BAYNE SECONDED.**

The corrections to the minutes of the July 6, 2009 regular meeting are as follows:

On page 5, 4th paragraph, the 1st sentence should read: “Mr. Bayne questioned the provision in the Draft Policy limiting the naming of Town facilities to persons who had provided service to the Town. The Town may want to name something after a Medal of Honor winner or a possible future President who is from Darien, so service to the State or the Nation should be considered”.

It was mentioned that the transfers were incorrectly listed, and Mr. Kilduff said that this was due to a graphic not appearing correctly.

**** MOTION PASSED WITH THREE (3) VOTES IN FAVOR (KLEIN, BAYNE, SANTARELLA) AND TWO (2) VOTES ABSTAINED (MORTON, SULLIVAN).**

OTHER BUSINESS

(Any items added to the agenda require a two-thirds vote)

ADJOURNMENT

**** MR. MORTON MOVED TO ADJOURN.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:36 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services